

ARTICLE 1701

BOCA Building Code

- 1701.01 Adoption.
- 1701.02 Additions and Modifications.
- 1701.02 Penalty. (BOCA 116.4)

CROSS REFERENCES

Adoption by reference - See 3rd Class Charter Law §608(a)
[53 P.S. §41608(a)]; 3rd Class §2403(67) [53 P.S. §37403(67)]
Zoning-building permit - See ZON. Art. 1324
Table of Building Regulations - See ZON. Appx. A
Structures unfit for human occupancy - See BLD. Art. 1733

1701.01 ADOPTION.

That certain documents, viz, the 2000 (First Edition) International Building Code of the International Code Council be adopted as the official Building Code of the City of Bethlehem, in accordance with the provisions of Section 4131 of the Third Class City Code, (Purdons 53 PS 39131) with the changes and amendments noted hereinafter, for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy and maintenance of all buildings and structures of the City of Bethlehem providing for the issuance of permits and the collection of fees therefore, providing penalties for violations of such code, establishing fire zones, and each and all of the regulations, provisions, conditions, and terms of the International Code, 2000 Edition, as amended, are hereby referred to, adopted, and made a part hereof as is fully set forth in this ordinance, with the changes and amendments noted hereinafter. Provided that any and all rules and regulations of the Pennsylvania Department of Labor and Industry shall take precedence over like rules and regulations contained in the

ICC 101.1 Title

These regulations shall be known as the Building Code of the City of Bethlehem, Pennsylvania, hereinafter referred to as "this Code."

ICC 101.2 Scope

These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and service equipment as herein defined, and shall

apply to existing or proposed buildings and structures in the City of Bethlehem, Pennsylvania; except as such matters are otherwise provided for in local jurisdictional charter, or other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this Code.

ICC 103.1 - Delete subject paragraph and substitute the following:

ICC 103.1 Chief Code Official

The Bureau of Code Enforcement of the City of Bethlehem, Pennsylvania is hereby created and the official in charge thereof shall be known as the Chief Code Official. He shall be the administrative officer of the divisions of Zoning, Building, Plumbing, Electrical, and Mechanical Inspections.

ICC 103.2 - Delete subject paragraph and substitute the following.

ICC 103.2 Appointment

The Chief Code Official shall be appointed by the head of the Department to which the Bureau of Code Enforcement is administratively assigned. At a minimum the Chief Code Official shall obtain a "Certified Building Official" certification through the International Code Council within one year of employment. After appointment, he shall not be removed from office except for cause, with the approval of the Mayor, and after full opportunity has been granted him to be heard on specific and relevant charges by and before the said Department Head.

ICC 105.8 Previous Approvals

Nothing in the International Code shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized and the construction of which have been actively prosecuted within ninety (90) days after the effective date of this ordinance and the entire building shall be completed, as authorized, within two (2) years after the date of approval of the application except as herein provided; in the case of a building, which because of its size or complexity of construction, requires a longer period for completion, no changes in the plans, construction or designated use of the building, shall be required for the construction period designated in fully executed construction contract documents if prepared by a registered architect and/or engineer.

ICC 108.2 Delete subject paragraph and substitute the following.

ICC 108.2 Schedule of Permit Fees

(a) Type 1,2,& 3 Construction

For inspection of each building classified as Type 1,2 & 3 construction, the fee shall be one hundred fifty dollars (\$150.00) for areas up to and including five hundred (500) square feet. For areas in excess of five hundred (500) square feet of floor area the fee shall be one hundred fifty dollars (\$150.00), plus fifteen dollars (\$15.00) for each additional one hundred (100) square feet or less of floor area.

(b) Type 4 & 5 Construction (Frame – Section 605.0 and 606.0)

For the inspection of each building classified as type 4 and 5 construction the fee shall be one hundred twenty five dollars (\$125.00) up to and including five hundred (500) square feet of floor area. For areas in excess of five hundred (500) square feet of floor areas the fee shall be one hundred twenty five dollars (\$125.00) plus twenty dollars (\$20.00) for each additional one hundred (100) square feet or less of floor area.

(c) Computation of Floor Area

In computing floor area, heights higher than eighteen (18) feet and not more than

made for repairs or alterations, the fee shall be fifty dollars (\$50.00) for the first five thousand dollars (\$5,000) of estimated cost of construction. For estimated construction costs which exceed five thousand dollars (\$5,000), the fee charged shall be 1% up to \$500,000 cost of work plus .2% of cost of work over \$500,000.00

The building official shall have the right to verify or correct the estimated value of any proposed building, structure, addition or alteration.

Swimming Pools

(Delete Section 1711 of the City of Bethlehem Codified Ordinance in its entirety)
For private above grade pools \$25.00. For all other pools, 1% of estimated construction costs.

Roof Replacement

For replacement of roofing material of residential single-family dwellings and appurtenant structures the permit fee shall be \$35.00.

For all other roofing permits the fee shall be fifty dollars (\$50.00) for the first two thousand (2,000) square feet and ten dollars (\$10.00) for each additional one thousand (1,000) square feet of roof area.

Moving Buildings

A permit shall be granted for the moving of a building upon payment of a fee of two hundred dollars (\$200.00) for a dwelling or larger building and a fee of one hundred dollars (\$100.00) shall be added for each day a street, road, alley, or lane is occupied by a building or moving equipment. In addition, thereto, a permit shall be secured for the structure at the new location in accord with the permit fee schedule established for new construction.

Demolition

The permit fee for all buildings or structures shall be one hundred dollars (\$100.00) for the first two thousand (2,000) square feet of floor area, plus ten

101 to 200 square feet	30.00
201 to 300 square feet	50.00
301 to 600 square feet	150.00
601 feet and over	200.00

Signs

0-100 square feet	\$ 50.00
101-200 square feet	75.00
Over 201 square feet	150.00
Portable curb sign	50.00

Fences \$ 30.00

Change of Use	60.00
New Use	60.00
Home office use	30.00

Parking Lots

0-\$5,000.00	50.00
Over \$5,000	50.00 + .1% of cost thereafter

ICC 108.6 - Delete - Subject paragraph and substitute with the following.

ICC 108.6 Refunds

Twenty percent (20%) of the total permit fee will be retained by the City of Bethlehem if the permit is revoked or withdrawn or expires.

ICC 110.3 - Delete subject paragraph and substitute the following:

ICC 110.3 - Contents of Certificate

When a building or structure is entitled thereto, the code official shall issue a certificate of use and occupancy within ten days after written application. The certificate shall certify that the building or structure is in compliance with the provisions of this code, City Fire Ordinances, Articles 1501, 1505, 1506, that a water service line with meter has been installed, that a lateral connection to the sewer main has been made, and

ICC 113.4 - Delete subject paragraph and substitute the following:

ICC 113.4 Violation Penalties

Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Inspector or of a permit or certificate issued under the provisions of the Ordinance shall, upon conviction thereof before a District Magistrate of the City of Bethlehem, Pennsylvania be liable to the following penalties:

- (a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$500.00 or sixty days imprisonment, or both;
- (c) Third and each subsequent violation - A fine of \$1,000.00 or ninety days imprisonment, or both.

Each day that violation continues shall be deemed a separate offense.

Add ICC 113.5 Repealer

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Add ICC 113.6 Savings Clause

That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceedings impending in any court, or any rights acquitted or liability incurred, or any cause or causes of action required or existing under any act or Ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ICC 114.3 - Delete subject paragraph and substitute the following:

ICC 114.3 Unlawful Continuance

~~Any person who shall continue any work in or about the structure after having~~

Clean Fill - Soil not containing hazardous material, stone, gravel, concrete (not exceeding 12" diameter), and brick. (Wood, brush, tree limbs, roofing materials and construction debris such as drywall and wood scraps are not acceptable.)

Day and Night Average Sound Level - The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period 10:00 P.M. to 7:00 A.M. the following day increased by 10 dBA before averaging.

Add ICC 718.8 Installation of Sound Insulation

Any new residential structure affected by vehicular, industrial or aircraft noise shall be designed so that the interior sound levels do not exceed a day-night average sound level of forty-five (45) decibels (calculated with the windows and doors closed). This may be accomplished by the acoustical insulation of the structure as specified in the U.S. Department of Transportation Federal Highway Administration Publication FHWA-TS-77-202 available from the City Planner.

ICC 1301.1.1 Delete subject paragraph and substitute the following.

ICC 1301.1.1 Buildings shall be designed and constructed in accordance with Pennsylvania Act 222.

ICC 1403.6 Flood Resistance - Delete Section 1403.6 in its entirety and substitute the following:

ICC 1403.6 Flood Resistant Construction

Any development falling within a designated flood plain district shall meet the requirements of this section (1403.6).

ICC 1403.6.1 Definitions

The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where otherwise expressly stated.

Completely Dry Space

A space which will remain totally dry during a regulatory flood; the structure is

Those flood plain districts specifically designated in the City Zoning Ordinance as being inundated primarily by the Regulatory Flood. Included would be areas identified as Floodway District and Flood Fringe District.

Designated Floodway District

The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude as specifically defined in the City Ordinance.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

Essentially Dry Space

A space which will remain dry during a regulatory flood except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Lowest Floor

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home Park

A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Obstruction

Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or designated flood plain districts, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

Regulatory Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this ordinance, the one hundred (100) year flood.

Regulatory Flood Elevation

For purposes of this ordinance, the one hundred (100) year flood elevation.

ICC 1403.6.2 Special Provisions Applying in Designated Flood Plain District

In order to prevent excessive damage to buildings and structures due to flooding conditions, the following provisions shall apply to all proposed construction or development occurring in any of the flood plain districts designated by the City Zoning Ordinance as amended.

ICC 1403.6.3 Residential Structure

Within any designated Floodway or Flood-Fringe District, the lowest floor (including the basement of any new or improved residential structure) shall be at least one and one-half (1-1/2) feet above the regulatory flood elevation.

provided, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972), as amended for that type of construction.

ICC 1403.6.5 Fill

If fill is used, it shall extend laterally at least fifteen (15) feet beyond the building line from all points.

ICC 1403.6.5.1

Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

ICC 1403.6.5.2

The fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.

ICC 1403.6.5.3

The slope shall be not steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Chief Code Official.

ICC 1403.6.5.4

The fill can only be used to the extent to which it does not adversely affect adjacent properties.

ICC 1403.6.6 Placement of Buildings and Structures

Subject to all other Ordinances of the City, all buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters.

the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl space. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

1. A minimum of two openings having a net total of not less than one (1) square inch for every square foot of enclosed space.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, etc or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

ICC 1403.6.8 Electrical Components

Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from the above.

ICC 1403.7 Anchoring

All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or other movement thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All air ducts, large pipes and storage tanks located at or below the Regulatory Flood elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

ICC 1403.8 Floor, Walls, and Ceilings

Where located at or below the Regulatory Flood Elevation.

ICC 1403.8.1

Wood flooring shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain, without incurring structural damage to the building.

Walls and ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.

ICC 1403.8.4

Window frames, door frames, door jambs and other components shall be made of metal or other water-resistant material.

ICC 1403.9 Paints and Adhesives

Where located at or below the Regulatory Flood Elevation.

ICC 1403.9.1

Adhesives shall have a bonding strength that is unaffected by inundation (i.e., "marine" or water-resistant quality).

ICC 1403.9.2

All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water-resistant quality or similar product.

ICC 1403.9.3

Paints or other finishes shall be capable of surviving inundation (i.e., "marine" or water-resistant quality).

ICC 1403.10 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage of all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties and shall be in compliance with Article 925.

ICC 1403.11 Existing Structures in Designated Flood Plain

Districts

Structures existing in any designated flood plain districts prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain

ICC 1403.11.2

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or floodproofed to the extent required by the City Chief Code Official.

ICC 1403.11.3

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of this Ordinance and other City Ordinances.

ICC 1403.11.4

The repair, restoration, or replacement in kind of an existing structure within an area identified as a Flood-Fringe District (as defined in the City Zoning Ordinance) which is not a walled and roofed building or a gas or liquid storage tank principally above ground shall not be subject to the requirements of this Section.

ICC 1403.12 Appeals

If compliance with the elevation or floodproofing requirements stated above would result in an exceptional hardship for a prospective builder, developer, or landowner, the Board of appeals may, upon request, grant relief from the strict application of such requirements. Requests for appeals to the strict application of the provisions of this Ordinance may be granted by the Board of appeals in accordance with the following procedures and criteria:

ICC 1403.12.1

No appeals shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the Regulatory Flood Elevation.

ICC 1403.12.2

ICC 1403.12.4

Whenever an appeal is granted, the Board of Appeals will notify the applicant that the granting of the appeal may result in increased premium rates for flood insurance and that the granting of such appeal may increase the risk to life and property.

ICC 1403.12.5

In reviewing any request for an appeal, the board of Appeals shall consider, but such consideration shall not be limited whether there is good and sufficient cause; whether the failure to grant the appeal would result in exceptional hardship to the applicant; and whether the granting of the appeal will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or State Ordinances or regulations.

ICC 1403.12.6

A complete record of all appeal requests and related actions shall be maintained by the Board of Appeals. In addition, a report for all appeals granted during the year shall be included in the annual report to the Federal Insurance Administration.

ICC 1403.12.7

Notwithstanding any other provision hereof, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, and effects of buoyancy of the Regulatory Flood.

ICC 1403.13 Plan Requirements

In addition to the permit application requirements under the Building Code Ordinance, the Chief Code Official shall require the following specific information to be included as part of the application for the building permit:

ICC 1403.13.1

A plan which details the existing and proposed contours and elevation (based

A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the flood depths, pressures, velocities, impact, and uplift forces and other hydrostatic and hydrodynamic and buoyancy factors associated with the regulatory flood. Such statement shall include a description of the type and extent of flood-proofing measures, which have been incorporated into the design of the structure.

ICC 1403.13.3

A copy of applications and plans for construction or development in any designated flood plain district to be considered for approval may be submitted by the Chief Code Official to the appropriate County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered for incorporation into the proposed plan.

ICC 1403.13.4

Prior to the issuance of any building permit the Chief Code Official shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, including, but not limited to, those required by Act 537, the Pennsylvania Sewage Facilities Act, the Pennsylvania Water obstructions Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. 1334. No permit shall be issued until this determination has been made.

ICC 1403.13.5

For the purposes of ICC Section 105, construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the state of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof in its pilings or foundation, or the affixing of any prefabricated structures or mobile homes to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electric or other service lines from the street.

Delete ICC 1612 Flood loads in its entirety.

ICC 3107.2 - Add Bonds & Liability

ICC 3107.2 Bonds and Liability Insurance

No person shall erect, install, remove or rehang any projecting sign for which a permit is required under the provisions of the Basic Code until there shall have been filed with the City Solicitor's office, with a bond in the sum of Five Thousand Dollars (\$5,000) as herein required, or a Certificate of Liability Insurance coverage, adequate in the opinion of the City Solicitor.

ICC 3303.7 Extermination

The owner or contractor must present a letter from an exterminating company to the building inspector that the building has been exterminated or does not require extermination for rodents or insects prior to issuing razing permit.

ICC 3307.2 Party Wall Maintenance

In the case of an existing party wall or an existing exposed wall which is structurally sound and which is not intended to be used by the owner of the building being demolished and further that the surface of the said wall is to remain exposed, then the owner of the building being demolished shall preserve, at his own expense, the party or exposed wall, by ensuring that the exposed surfaces shall be made permanently waterproof by the application of stucco, brickote, gunite or other approved noncombustible materials

ICC 3307.3 Party Wall Repair or Replacement

If a home is gutted for remodeling or, if a fire occurs and the party wall is damaged and needs to be replaced, it shall be replaced in accordance with the requirements of this code.

(Ord. 4146 – Passed 10/1/02)